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Egbert Classen

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

ADAMS, GREGORY W

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-25, 27-29 & 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill (US 3,093,252) (previously cited) in view of Lemelson (US 3,788,500) (previously cited).

With respect to claims 19-25, 27-29 & 39, Cahill discloses an apparatus comprising:

- a conveying unit 20, 30 conveying a plurality of multi-piece goods units therein;
- conveying unit beam guide members 31 fixed to an overhead support structure;
- conveying unit unitary traveling support beam 40, 55 operatively connected to beam guide members for reciprocating travel;
- two gripping units 20, 30 operatively mounted to a unitary support beam 31 for movement therewith and disposed in spaced succession therealong, each gripping unit including
 - a laterally oriented crossbeam 40 (or 23, 23a, 27), and

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- two fixed length legs 24, 53, 54, 56 and being movable with respect to one another (C5/L10) and mounted to a crossbeam 40 (or 23, 23a, 27);
- two lifting units 62, 64, 66 (C4/L60-65) mounted to a crossbeam 40 for lifting multi-piece goods units in a generally vertical direction perpendicular to the loading and unloading direction for movement of the multi-piece goods units into and out of the transport compartment;

Cahill does not disclose a conveying unit inserted into a transport compartment.

Lemelson discloses rails 20, 21 that extend in to a transfer compartment (FIG. 4: 25)], a conveying unit having two gripping units 16 (C1/L38-39) disposed one after another [does not equate to two gripping units as part of a whole, i.e. that one gripping follows another in successive fashion], crossmember [e.g. the crossmember at the top of each gripping unit] and lifting units that lifts goods off a base in a vertical direction. Lemelson teaches automatic loading of cargo from an automatic warehouse to directly load into a vehicle eliminate a manual step. C1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Cahill to include a conveying unit inserted into a transport compartment, as per the teachings of Lemelson, to eliminate manual loading.

Claims 32-36 & 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill in view of Lemelson and further in view of McManus (US 4,736,971) (previously cited).

With respect to claims 32-36 & 38, Cahill discloses an apparatus comprising:

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- a plurality of beam guide members fixed to an overhead support structure;
- a unitary traveling support beam 31 operatively connected to beam guide members and extending in a substantially horizontal direction for reciprocating travel;
- a crossbeam 40 extending in a direction substantially transverse to the support beam 31, mounted operatively thereto and having a first end and a second end disposed opposite a first end;
- a first leg 24, 53, 54, 56 connected to the first end of a crossbeam and extending downwardly in a substantially vertical direction from the crossbeam;
- a second leg 24, 53, 54, 56 connected to a second end of a crossbeam and extending downwardly in a substantially vertical direction from the crossbeam, first and second legs having respective length dimensions sufficient to extend beyond individual pieces of the multi-piece goods units and being movable toward one another to clamp the multi-piece goods units and away from one another to release the multi-piece goods units; and

Cahill discloses reciprocating movement and the ability to lift goods and does not disclose a hydraulic cylinder to lift and a conveying unit that extends into a transport compartment.

Lemelson discloses a unitary traveling support beam 15' operatively connected to beam guide members and extending in a substantially horizontal direction for reciprocating travel into and out of a transport compartment for depositing multi-piece goods units in a transport compartment or retrieving multi-piece goods units from the

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transport compartment. Lemelson teaches automatic loading of cargo from an automatic warehouse to directly load into a vehicle eliminate a manual step. C1.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Cahill to include a unitary traveling support beam, as per the teachings of Lemelson, to eliminate manual loading.

McManus discloses a support beam 13, crossbeam 20, first and second legs 28, 32, and a hydraulic cylinder 15 capable of lifting aluminum billets of varying size and configurations, e.g. more than one billet per lift. C1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Cahill to include a hydraulic cylinder, as per the teachings of McManus, to lift loads of varying size and quantity.

Response to Arguments

Applicant's arguments filed Dec. 21, 2007 have been fully considered but they are not persuasive. Fixed is defined as "stationary" (www.dictionary.com). At any point in time Cahil's grippers 30 are stationary such that without actuation of carriage motor 44 there is no translation along beams 31, without actuation of raise/lift motor 68 which causes "projection and retraction of the jaws 56 along the arms 54" (C4/L65-70) the gripping legs cannot raise, i.e. retract, and without actuation of motor 77 legs 54 (or 24) cannot be driven "toward and away from each other, in order to clamp and release stacked articles." (C5/L10-15). Thus, fixed is a relative term such that without a frame of reference anything can be fixed at any point in time. And with respect to fixed length, at the point in which grippers 30 grip articles, they do not move. The projection/retraction

referred to at (C4/L65-70) is at least movement that can occur prior to gripping such that after gripping the legs do not project/retract. Again, it's a question of relativity.

Applicants arguments with respect to a potential instability of Cahill is irrelevant to the question of structural differences between the cited prior art and the claims. And, McManus merely shows that one lifting mechanism can be replaced by another. A skilled artisan in the art of conveying articles would make this adjustment for the reasons noted in McManus. Moreover, McManus and Cahill are clearly analogous. Thus, the combination is proper.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY W. ADAMS whose telephone number is (571)272-8101. The examiner can normally be reached on M-Th, 8:30am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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2/11/2008